

By: Watson

S.B. No. 542

A BILL TO BE ENTITLED

AN ACT

relating to alternative dispute resolution methods regarding educational services for students with disabilities, including individualized education program facilitation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Sections 29.019 and 29.020 to read as follows:

Sec. 29.019. INDIVIDUALIZED EDUCATION PROGRAM FACILITATION. (a) The agency shall provide information to parents regarding individualized education program facilitation as an alternative dispute resolution method that may be used to avoid a potential dispute between a school district and a parent of a student with a disability. A district that chooses to use individualized education program facilitation shall provide information to parents regarding individualized education program facilitation. The information:

(1) must be included with other information provided to the parent of a student with a disability, although it may be provided as a separate document; and

(2) may be provided in a written or electronic format.

(b) Information provided by the agency under this section must indicate that individualized education program facilitation is an alternative dispute resolution method that some districts may choose to provide.

1 (c) If a school district chooses to offer individualized
2 education program facilitation as an alternative dispute
3 resolution method:

4 (1) the district may determine whether to use
5 independent contractors, district employees, or other qualified
6 individuals as facilitators;

7 (2) the information provided by the district under
8 this section must include a description of any applicable
9 procedures for requesting the facilitation; and

10 (3) the facilitation must be provided at no cost to a
11 parent.

12 (d) The use of any alternative dispute resolution method,
13 including individualized education program facilitation, must be
14 voluntary on the part of the participants, and the use or
15 availability of any such method may not in any manner be used to
16 deny or delay the right to pursue a special education complaint,
17 mediation, or due process hearing in accordance with federal law.

18 (e) Nothing in this section prohibits a school district from
19 using individualized education program facilitation as the
20 district's preferred method of conducting initial and annual
21 admission, review, and dismissal committee meetings.

22 (f) The commissioner shall adopt rules necessary to
23 implement this section.

24 Sec. 29.020. INDIVIDUALIZED EDUCATION PROGRAM FACILITATION
25 PROJECT. (a) The agency shall develop rules in accordance with
26 this section applicable to the administration of a state
27 individualized education program facilitation project. The

1 program shall include the provision of an independent
2 individualized education program facilitator to facilitate an
3 admission, review, and dismissal committee meeting with parties who
4 have requested independent individualized education program
5 facilitation because of a potential dispute about decisions
6 relating to the provision of a free appropriate public education to
7 a student with a disability. Facilitation implemented under the
8 project must comply with rules developed under this subsection.

9 (b) The rules must include:

10 (1) a definition of independent individualized
11 education program facilitation;

12 (2) forms and procedures for requesting, conducting,
13 and evaluating independent individualized education program
14 facilitation;

15 (3) training, knowledge, experience, and performance
16 requirements for independent facilitators; and

17 (4) conditions required to be met in order for the
18 agency to provide individualized education program facilitation at
19 no cost to the parties.

20 (c) If the commissioner determines that adequate funding is
21 available, the commissioner may authorize the use of federal funds
22 to implement the individualized education program facilitation
23 project in accordance with this section.

24 (d) The commissioner shall adopt rules necessary to
25 implement this section.

26 SECTION 2. This Act applies beginning with the 2014-2015
27 school year.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2013.